

AMENDED IN SENATE SEPTEMBER 4, 2003

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 17, 2003

AMENDED IN ASSEMBLY MAY 19, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 1599**

**Introduced by Assembly Member Harman  
(Coauthor: Assembly Member Koretz)**

February 21, 2003

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An act to add and repeal Section 14576 of the Public Resources Code, relating to the California Beverage Container Recycling and Litter Reduction Act.

LEGISLATIVE COUNSEL'S DIGEST

AB 1599, as amended, Harman. California Beverage Container Recycling and Litter Reduction Act.

The California Beverage Container Recycling and Litter Reduction Act defines “convenience zone” for the purposes of the act and requires that every convenience zone be served by at least one certified recycling center, with specified operating hours. The act requires, if the recycling center consists of reverse vending machines or other unmanned automated equipment, that the equipment be properly functioning, accept all types of empty beverage containers at the recycling location, and pay posted refund values.

This bill would require the department, from January 1, 2004, to December 31, 2006, inclusive, to establish a pilot program using supermarket sites that use both reverse vending machines and staffed recycling centers to determine whether or not these recycling centers increase recycling rates and provide greater convenience and ease of use for consumers. The bill would provide that a recycling center that is a supermarket site and consists of reverse vending machines is open for business for purposes of the act if the department authorizes the supermarket site to participate in the pilot program, pursuant to specified eligibility requirements, and the supermarket site complies with specified operating requirements. The bill would require a supermarket site participating in the pilot program to be operational at least 95% of operable time as defined, to provide a receptacle adjacent to the reverse vending machine for certain types of beverage containers larger than 3 liters, and to be open for business at least 20 hours per week.

The bill would require a supermarket site participating in the pilot project to be open for business for at least 30 hours each week if the department determines that the volume of beverage containers redeemed at the supermarket site has decreased by a specified amount. The bill would require the department to monitor the volume of beverage containers redeemed at each supermarket site participating in the pilot program at least once every 3-month period, and to conduct an annual review of each supermarket site participating in the pilot program.

The bill would repeal the authorization for the pilot program January 1, 2007, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends that date. The bill would require the department to report to the Governor and Legislature by July 1, 2006, on the effectiveness of the pilot program and make recommendations.

The bill would make its provisions contingent upon SB 23 being enacted and becoming effective.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 14576 is added to the Public Resources
- 2 Code, to read:



1 14576. (a) From January 1, 2004, to December 31, 2006,  
2 inclusive, the department shall establish a pilot program using  
3 supermarket sites that use both reverse vending machines and  
4 staffed recycling centers to determine whether or not these  
5 recycling centers increase recycling rates and provide greater  
6 convenience and ease of use for consumers.

7 (b) The pilot program shall comply with all of the following  
8 criteria:

9 (1) The program shall consist of not more than 50 supermarket  
10 sites that represent a valid statistical sampling of the state, as  
11 determined by the department.

12 (2) Each dealer where the supermarket site is located certifies  
13 to the department in writing that it has authorized the recycling  
14 center to participate in the pilot program.

15 (3) Each supermarket site in the pilot program has at least two  
16 reverse vending machines that accept all types of beverage  
17 containers, except those beverage containers that are labeled with  
18 a “2,” as specified in subdivision (a) of Section 18015 and are  
19 larger than three liters.

20 (4) The department authorizes each supermarket site, which  
21 has redeemed, as determined by the department, a monthly  
22 average volume of no less than 60,000 empty beverage containers,  
23 and no more than 150,000 empty beverage containers for the  
24 months between July 1, 2002, and June 30, 2003, inclusive.

25 (c) Each supermarket site participating in the pilot program  
26 shall comply with all of the following requirements:

27 (1) The supermarket site is inspected by the operator that  
28 participates in the pilot program at least once each day to maintain  
29 and empty the machines and ensure that the site is kept clean.

30 (2) The operator of the supermarket site submits monthly  
31 service records to the department within 10 days of the end of each  
32 month, showing the number of complaints per site, if any, and the  
33 response time for each service call.

34 (3) (A) The supermarket site is operational at least 95 percent  
35 of operable time.

36 (B) For purposes of this paragraph, “operable time” means the  
37 actual operating hours the supermarket site is required to be open  
38 for business each month. A supermarket site’s operating hours  
39 shall be determined consistent with the supermarket’s operational

1 hours, subject to applicable curfew requirements imposed by local  
2 ordinance.

3 (4) The reverse vending machine at the supermarket site is not  
4 inoperative more than one day a month, and if that breakdown rate  
5 is exceeded, the supermarket site replaces the reverse vending  
6 machine within three business days.

7 (5) The operator of the supermarket site repairs a reverse  
8 vending machine within five business hours of receiving a  
9 complaint by a consumer, the dealer, or the department that the  
10 recycling center is not operational during operable time.

11 (6) The supermarket site provides a receptacle adjacent to the  
12 reverse vending machine for beverage containers that are labeled  
13 with a “2,” as specified in subdivision (a) of Section 18015, and  
14 that are larger than three liters. The operator shall post a sign on  
15 the receptacle indicating the hours of staffed operation in which a  
16 consumer may return the container to the site and receive a  
17 redemption payment.

18 (7) The operator of the supermarket site has an attendant  
19 present at the supermarket site a minimum of 20 hours per week,  
20 including no fewer than three hours on a Saturday or a Sunday  
21 between the hours of 9 a.m. and 5 p.m. and no fewer than three  
22 evening hours between the hours of 5 p.m. and 9 p.m. during one  
23 weekday evening.

24 (8) The operator of the supermarket site provides instructions  
25 for use of the reverse vending machine at the supermarket site in  
26 appropriate languages and in pictorial representations  
27 demonstrating how to use the reverse vending machine.

28 (9) The operator of the supermarket site maintains a toll-free  
29 telephone number attended by a live operator during operable time  
30 to answer calls from any person regarding the performance of its  
31 reverse vending machine.

32 (10) The operator of the supermarket site posts information  
33 identifying the location of, and directions to, the nearest certified  
34 recycling center that is open for business at least 30 hours per week  
35 and accepts all material types, ~~subject to the approval of the dealer~~  
36 ~~at the supermarket site.~~

37 (d) If the department determines that the total volume of  
38 beverage containers redeemed at a supermarket site authorized to  
39 participate in the pilot program decreases by more than 10 percent

1 from the volume reported for the prior year, the supermarket site  
2 shall be staffed for at least 30 hours per week.

3 (e) (1) The department shall monitor the volume of beverage  
4 containers redeemed at each supermarket site participating in the  
5 pilot program at least once every three-month period.

6 (2) The department shall conduct an annual review of each  
7 supermarket site participating in the pilot program to determine  
8 overall performance and make operational adjustments.

9 (3) The department shall disqualify an individual site from  
10 participation in the pilot program, effective within seven calendar  
11 days of notice provided to the operator, upon a determination that  
12 the continued operation of the supermarket site within the pilot  
13 program does not further the goals of the division.

14 (4) The department shall, upon the written request of the dealer  
15 at the supermarket site and within seven calendar days of the  
16 request made by the dealer to the department, disqualify the  
17 operator from further participation in the pilot program at that  
18 supermarket site.

19 (f) The department may adopt emergency regulations to  
20 implement this section. Any emergency regulations, if adopted,  
21 shall be adopted in accordance with Chapter 3.5 (commencing  
22 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
23 Government Code, and for the purposes of that chapter, including  
24 Section 11349.6 of the Government Code, the adoption of these  
25 regulations is an emergency and shall be considered by the Office  
26 of Administrative Law as necessary for the immediate  
27 preservation of the public peace, health and safety, and general  
28 welfare.

29 (g) Notwithstanding Sections 14570 and 14571, a supermarket  
30 site that consists of reverse vending machines is “open for  
31 business” within the meaning of this section if the supermarket site  
32 is approved by the department to participate in the pilot program  
33 pursuant to paragraph (4) of subdivision (b) and the supermarket  
34 site complies with the operating requirements specified in  
35 subdivision (c).

36 (h) On or before July 1, 2006, the department shall report to the  
37 Governor and Legislature on the effectiveness of the pilot program  
38 and make recommendations on whether the program should be  
39 continued, expanded, or modified to ensure compliance with this  
40 division.

1 (i) This section shall remain in effect only until January 1,  
2 2007, and as of that date is repealed, unless a later enacted statute,  
3 that is enacted before January 1, 2007, deletes or extends that date.  
4 SEC. 2. This act shall become operative only if Senate Bill 23  
5 of the 2003–04 Regular Session is enacted and becomes effective  
6 on or before January 1, 2004.

